IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 15348 of 2007(B)

PETITIONER:

T.MOHANAN, S/O.THANKAPPAN,
N.M.BHAVAN, PULIYOOR VANCHI KIZHAKKE,
THAZHAVA P.O., KARUNAGAPPALLY, KOLLAM
(SECRETARY, KERALA PULAYAR MAHA SABHA SAKHA NO.1378)

BY ADV. SRI.C.PRABIN BENNY

RESPONDENTS:

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1. THE ASSISTANT EXCISE COMMISSIONER,
KOLLAM.

2. THE CIRCLE INSPECTOR OF EXCISE,
KARUNAGAPPALLY, KOLLAM.

3. THE DISTRICT COLLECTOR, KOLLAM.

4. P.MANU, T.S.NO.66,
PUTHUAKATTU MUKKU, KARUNAGAPPALLY RANGE,
KOLLAM.

BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1: TRUE COPY OF THE LIST OF HEADS OF THE FAMILY RESIDING THE COLONY PREPARED BY THE HARIJAN WELFARE DEPARTMENT WITH SKETCH.

EXT.P2: TRUE COPY OF THE MASS PETITION SUBMITTED BY THE PEOPLE OF THE LOCALITY DATED 10.4.2007.

EXT.P3: TRUE COPY OF THE COMPLAINT DATED 15.4.2007 SUBMITTED BY THE PETITIONER.

EXT.P4: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PRESIDENT OF THE SABHA ON 19.4.2007 TO THE 2ND RESPONDENT.

EXT.P5: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE SECRETARY ARATHI KUDUMBASREE ON 13.4.2007 TO THE 1ST RESPONDENT.

EXT.P6: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE SECRETARY KALLUMPURATH KUDUMBASREE DATED 13.4.2007.

EXT.P7: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE MEMBER, THODIYOOR GRAMA PANCHAYAT ON BEHALF OF THE MOTHER TERESA KUDUMBASREE ON 10.4.2007.

EXT.P8: TRUE COPY OF THE COMPLAINT SUBMITTED BY PRIYADARSHINI KUDUMBASREE AYALKOOTTAM ON 10.4.2007.

EXT.P9: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PRESIDENT AND SECRETARY SREE DURGA KUDUMBASREE ON 10.4.2007.

EXT.P10: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PRESIDENT AND SECRETARY AL-AMEEN KUDUMBASREE UNIT ON 13.4.2007.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO.15348 OF 2007

DATED THIS THE 13th DAY OF JULY, 2007

JUDGMENT

The petitioner is the Secretary of Kerala Pulayar Maha Sabha Sakha No.1378, Thazhava. The petitioner has filed this writ petition challenging the move of the respondents to permit the 4th respondent to start a toddy shop at a place within the prohibited distance from the Madathinal Harijan Colony, as per the Abkari Shops Disposal Rules.

2. The petitioner, therefore, seeks the following reliefs.

> " a) to call for the records leading to the application for licence to T.S. No.66, Pudukootu Mukku, Karunagappally Excise Range.
>
> b) to issue a writ of mandamus directing the respondents not to grant licence to T.S.No.66, violating the distance Rule within 400 metres from the Madathinal Harijan Colony, Ward No.VI, Thodiyoor Panchayat in survey No.295/15 of Thodiyoor North Village.
>
> c) to prohibit the 4th respondent from establishing and conducting T.S.No.66, Pudukattu Mukku in Survey No.295/15 of Thodiyoor North Village within the Madathinal Harijan Colony Ward No.VI of Thodiyoor Panchayat.
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> d) to issue such other writ, order or direction including interim orders as that are necessary in the circumstances of the case and to allow this writ petition with costs."

The learned Government pleader on instructions submits that the 1st respondent has not received any application for starting a toddy shop in the place complained of by the petitioner. This is recorded and the writ petition is closed.

S. SIRI JAGAN, JUDGE

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